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**February 28, 2020 Volume 44, Issue 9**

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
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10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
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14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
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27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Research and Evaluation
- 2) Code Citation: 20 Ill. Adm. Code 2206
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2206.10	Repealed
2206.20	Amendment
2206.30	Amendment
2206.40	Amendment
- 4) Statutory Authority: 730 ILCS 5/3-2.5-20, 3-2-8 and 3-7-1
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Juvenile Justice is amending this Part to update the required information to be submitted in a formal research proposal. Specially, the abstract of the project must include steps ensuring participant confidentiality and anonymity in the data collection and reporting. A data sharing agreement must also be included. The Institutional Review Board was added to the entities that approval must be received from prior to conducting the research. Finally, amendments are being made that will update this Part to align with current Department practices and Administrative Code style.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED AMENDMENTS

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There will be no adverse impact in small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER a: ADMINISTRATION AND RULESPART 2206  
RESEARCH AND EVALUATION

## Section

2206.10	Applicability ( <a href="#">Repealed</a> )
2206.12	Definitions
2206.15	Responsibilities
2206.20	Requirements for Submitting Research Proposals
2206.30	Criteria for Approval or Denial of Research Proposals
2206.40	Requirements for Conducting Research Projects

AUTHORITY: Implementing Sections 3-2.5-20 and 3-2-8 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5].

SOURCE: Adopted at 8 Ill. Reg. 14594, effective August 1, 1984; amended at 10 Ill. Reg. 12574, effective August 1, 1986; amended at 13 Ill. Reg. 19437, effective January 1, 1990, amended at 23 Ill. Reg. 5679, effective May 1, 1999; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16424; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2206.10 Applicability ([Repealed](#))**

~~This Part applies to all divisions of the Department of Juvenile Justice and to any person or entity seeking to conduct a research or evaluation study within the Department.~~

(Source: Repealed at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2206.20 Requirements for Submitting Research Proposals**

- a) Any request to conduct research or an evaluation study involving former or present committed youth, employees, programs, or facilities, whether originating inside or outside the Department, shall be in writing and shall be submitted to the Director for review and authorization.

## DEPARTMENT OF JUVENILE JUSTICE

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- b) The person or entity requesting the research or study shall provide the following written documentation prior to approval of the request:
- 1) A formal research proposal including:
    - A) names~~name(s)~~ and vitae of the researchers~~researcher(s)~~;
    - B) abstract of the project, including purpose, methodology, duration, the number of subjects, amount of time required for each subject, and steps to ensure participant confidentiality and anonymity in the data collection process and in the reporting of findings;
    - C) data sharing agreement; ~~and~~
    - D) dissemination plan;
    - E) testing or measurement instrument; and
    - F) Department resources to be utilized;
  - 2) Sources of funding, grants awarded, or descriptions detailing intentions to respond to official requests for proposals;
  - 3) Approval obtained from a Human Subjects Research Committee and/or Institutional Review Board, when~~where~~ applicable;
  - 4) A signed research agreement that~~Research Agreement which~~ shall contain a statement that any rights of privacy, informed consent, confidentiality, and protection from harm are met in accordance with accepted professional and scientific ethics and that the requirements of any applicable Illinois and federal law or regulation have and will continue to be met; and
  - 5) Any other information deemed necessary to the authorization process.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2206.30 Criteria for Approval or Denial of Research Proposals**

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED AMENDMENTS

All requests for research and evaluation shall be approved by the Deputy Director of the appropriate Division and the Director.

- a) The request shall be reviewed to determine if the proposed study is ethical, feasible, methodologically sound, and relevant to the needs and goals of the Department.
- b) Research requests may be denied for reasons ~~that~~which may include, among other factors, the nature and risk of the research, concern for security, and the level of demand on staff time and Department finances.
- c) Research projects involving use of committed youth in medical, cosmetic, or pharmaceutical experiments shall not be permitted.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2206.40 Requirements for Conducting Research Projects**

- a) The researcher shall provide periodic reports on the progress of the research project as required. Any changes in the scope or methodology of the project shall be reported.
- b) Permission to conduct the current study and any further research may be discontinued for, among other matters, violation of Department rules or security requirements or for violation of applicable Illinois or federal law or regulations. The factors to be considered in determining whether to discontinue a project shall include, but not be limited to, whether the violation was intentional; the seriousness of the violation; whether the project is placing greater demands on Department resources than originally stated; or whether the project has been expanded beyond the stated purpose and scope of the project.
- c) Prior to publication of the results of a research project, the researcher shall provide copies of the material accepted for publication to the Department for informational purposes.
- d) Following publication, additional copies may be provided for the Department without cost, if so specified in the signed ~~research agreement~~Research Agreement.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Reimbursement for Expenses
- 2) Code Citation: 20 Ill. Adm. Code 2210
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2210.15	Repealed
2210.20	Repealed
2210.25	Repealed
2210.30	Repealed
2210.35	Repealed
- 4) Statutory Authority: 730 ILCS 5/3-7-6 and 3-2.5-20
- 5) A Complete Description of the Subjects and Issues Involved: Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5] authorized the Department to seek reimbursement from offenders sentenced as adults for expenses incurred by their incarceration. PA 101-235 repealed Section 3-7-6. Additionally, the Department has never sought reimbursement for youth committed to its custody who were sentenced as adults as minors and who began serving his or her sentence with the Department. Because there is no longer statutory authority to seek reimbursement for expenses the Department is repealing this Part in its entirety.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed repealer does not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED REPEALER

Lindsay M. Bentivegna  
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2715 W. Monroe St.  
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217/557-1030  
DJJ.Rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF PROPOSED REPEALER

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER a: ADMINISTRATION AND RULES

## PART 2210

REIMBURSEMENT FOR EXPENSES (REPEALED)

## Section

2210.15	Definitions
2210.20	Responsibilities
2210.25	Charges for Expenses for Costs of Incarceration
2210.30	Responsibilities of Offender
2210.35	Guidelines for Referral to Attorney General

AUTHORITY: Implementing Section 3-7-6 and authorized by Section 3-2.5-20 of the Unified Code of Corrections [730 ILCS 5].

SOURCE: Adopted at 21 Reg. 9758, effective July 15, 1997; amended at 27 Ill. Reg. 4357, effective March 1, 2003; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16425; repealed at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2210.15 Definitions**

"Assets" as defined in Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] means *any property, tangible or intangible, real or personal, belonging to or due to an offender from social security, worker's compensation, veteran's compensation, pension benefits, or from any other source whatsoever and any and all assets and property of whatever character held in the name of the offender, held for the benefit of the offender, or payable or otherwise deliverable to the offender. Any trust, or portion of a trust, of which an offender is a beneficiary shall be construed as an asset of the person if under terms of the trust benefits are required to be payable to the offender.*

"Average per capita cost" means the amount calculated for the average per capita cost per day for all offenders of a particular youth center for the fiscal year for which the rate is being calculated.

"Offender" means a person who, through judicial determination, has been placed

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in the custody of the Department on the basis of a conviction as a youth.

"Department" means the Department of Juvenile Justice.

"Director" means the Director of the Department of Juvenile Justice.

"Gang-related activity" has the same meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].

**Section 2210.20 Responsibilities**

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

**Section 2210.25 Charges for Expenses for Costs of Incarceration**

- a) The time period for determining the costs of incarcerating an offender shall be calculated from the date the offender was confined within the Department or from July 1, 1982, whichever date is later, until the date the offender is released.
- b) The maximum rate at which sums shall be charged for the expenses incurred by an offender for his or her incarceration shall be computed as the average per capita cost for all offenders of the particular youth center in which the offender is incarcerated for the fiscal year during which the offender was incarcerated or the average per capita cost for the most recent fiscal year in which a final average per capita cost is known.
- c) The average per capita cost of incarceration for a given Department youth center shall be computed by determining the total amount of operational expenditures for a given fiscal year for the particular youth center and dividing the expenditures by the average daily offender population for that particular youth center during that fiscal year.

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- d) The average per capita cost for each Department youth center shall be recalculated annually by the Department as soon as the figures of the preceding fiscal year are available.
- e) The offender shall be charged for the time housed at each youth center.
- f) Payments received on behalf of a particular offender, regardless of source, shall be accepted and credited against the expenses charged to the particular offender.

**Section 2210.30 Responsibility of Offender**

- a) An offender shall be responsible for reimbursing the Department for the expenses incurred by his or her incarceration or for the expenses incurred during incarceration as provided by statute and 20 Ill. Adm. Code 2405 and 2415, such as educational, medical, or dental expenses.
- b) Offenders shall fully cooperate with the Department by providing complete financial information on the financial status report form. The form shall include, but not be limited to:
  - 1) Offender's age;
  - 2) Offender's marital status;
  - 3) Number and ages of the offender's dependent children and other dependents;
  - 4) Type and value of real estate;
  - 5) Type and value of personal property;
  - 6) Cash and bank accounts;
  - 7) Location of any lock boxes;
  - 8) Type and value of investments, pensions, annuities;
  - 9) Other assets of significant cash value such as jewelry, art work,

## DEPARTMENT OF JUVENILE JUSTICE

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collectables, and dental and medical insurance policies; and

- 10) Other information deemed pertinent in the investigation of assets.
- c) All offenders in the custody of the Department on January 1, 2003 and all offenders entering the Department thereafter shall complete the financial information form and shall swear under oath or affirm that to the best of his or her knowledge, the information is complete and accurate.
- d) Offenders shall periodically update their financial information as requested by the Department.
- e) Any offender who willfully refuses to cooperate in providing financial information shall be subject to disciplinary action, including loss of good conduct credits towards his or her sentence of up to 180 days.

**Section 2210.35 Guidelines for Referral to Attorney General**

- a) The Director may, when he or she knows or reasonably believes that an offender or the estate of that offender has assets which may be used to satisfy all or part of a judgment rendered under Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] or when he or she knows or reasonably believes that an offender is engaged in a gang-related activity and has a substantial sum of money or other assets.
- b) Provide for the forwarding to the Attorney General of a report on the offender and that report shall contain a completed financial status form together with all other information available concerning the assets of the offender and an estimate of the total expenses for that offender.
- c) Authorize the Attorney General to institute proceedings to require the offender or the estate of that offender to reimburse the Department for expenses incurred by the offender's incarceration.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
603.60	Amendment
603.210	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking updates the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, referenced in Section 603.60(a)(3), to version 14.1, dated January 2020. Threshold levels are updated pursuant to the ARCI Controlled Therapeutic Medication Schedule version 4.2.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule version 4.2.
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 5-700  
Chicago IL 60601

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-5017  
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2018

The full text of the Proposed Amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

## Section

603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Androgenic-Anabolic Steroids (AAS)

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August

## ILLINOIS RACING BOARD

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1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. 9208, effective July 1, 2016; amended at 41 Ill. Reg. 12866, effective October 1, 2017; amended at 42 Ill. Reg. 10424, effective June 1, 2018; amended at 43 Ill. Reg. 6684, effective May 24, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 603.60 Permitted Use of Foreign Substances and Threshold Levels**

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels

## ILLINOIS RACING BOARD

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- 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID greater than the threshold level is forbidden and will result in the purse being redistributed.
- 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section ~~603.60~~~~603.80~~ are cimetidine, furosemide, omeprazole sulfide, and ranitidine~~phenylbutazone, flunixin, ketoprofen, pyrilamine, isoxsuprine and the therapeutic medications listed in subsection (f).~~
- 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 0.32 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 520 ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category "C" penalty, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; January 2020~~2019~~ version 14.1~~14.0~~; this incorporation includes no later amendments or editions).
- 4) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 5) The detection of one or more additional NSAIDs in blood and/or urine constitutes a stacking violation in addition to the violation associated with the detection of each additional NSAID.~~The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:~~
  - A) ~~Phenylbutazone— in a concentration less than 0.3 mcg/ml in serum or plasma.~~
  - B) ~~Flunixin— in a concentration less than 3 ng/ml in serum or plasma.~~

## ILLINOIS RACING BOARD

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⊖) ~~Ketoprofen in a concentration less than 1 ng/ml in serum or plasma.~~

- 6) If the phenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 7) Penalties for violations of this Section shall be based on the following criteria:
  - A) previous warnings and rulings for violations of this Section;
  - B) the age and experience of the violator;
  - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
  - D) what action, if any, was taken to avoid the violation;
  - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, or anti-protozoal drugs, may be present in the body of a horse participating in a race.
  - 1) Anti-Bacterials
    - Amikacin
    - Ampicillin
    - Ampicillin sodium
    - Azolsulfamide
    - Chloramphenicol

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Doxycycline  
Enrofloxacin (Baytril)  
Erythromycin sulfate  
Gentamicin sulfate  
Kanamycin sulfate  
Methenamine  
Metronidazole  
Neomycin sulfate  
Nitrofurantoin  
Oxytetracycline  
Penicillin G. Benzathine  
Penicillin G. Potassium  
Sulfadimethozine  
Sulfadimethoxine  
Sulfamethoxazole  
Sulfametranidazole  
Sulfapyridine  
Sulfathiazole  
Tetracycline  
Trimethoprim

## 2) Anti-Fungals

Amphotericin B  
Griseofulvin  
Neomycin Undecylenate  
Nystatin

## 3) Anti-Protozoals

Nitazoxanide (Navigator)  
Ponazuril (Marquis)  
Pyrimethamine (Daraprim)

- d) This listing of anti-bacterial, anti-fungal and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal or anti-protozoal drug, except as provided in subsection (f).
- e) A foreign substance of accepted therapeutic value may be administered as

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prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).

- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
  - 2) Albuterol – 1 ng/ml in urine.
  - 3) Betamethasone (harness racing only) – 10 pg/ml in serum or plasma.
  - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
  - 5) Cetirizine – 6 ng/ml in serum or plasma.
  - 6) Cimetidine – 400 ng/ml in serum or plasma.
  - 7) Clenbuterol – 140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
  - 8) Dantrolene – 100 pg/ml of 5-hydroxydantrolene in serum or plasma.
  - 9) Detomidine – Level of Detection for detomidine in serum or plasma.
  - 10) Dexamethasone (harness racing only) – 5 pg/ml in serum or plasma.
  - 11) Diclofenac – Level of Detection if found~~5 ng/ml in serum or plasma.~~
  - 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
  - 13) Firocoxib – Level of Detection if found~~20 ng/ml in serum or plasma.~~

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- 14) Furosemide – 100 ng/ml in serum or plasma.
  - 15) Glycopyrrlate – 3 pg/ml in serum or plasma.
  - 16) Guaifenesin – 12 ng/ml in serum or plasma.
  - 17) Isoflupredone ([harness racing only](#)) – 100 pg/ml in serum or plasma.
  - 18) Lidocaine – 20 pg/ml of total 3-hydroxylidocaine in serum or plasma.
  - 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
  - 20) Methocarbamol – 1 ng/ml in serum or plasma.
  - 21) Methylprednisolone – 100 pg/ml in serum or plasma.
  - 22) Omeprazole sulfide – 10 ng/ml in serum or plasma.
  - 23) Prednisolone ([harness racing only](#)) – 1 ng/ml in serum or plasma.
  - 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma. Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
  - 25) Ranitidine – 40 ng/ml in serum or plasma.
  - 26) Triamcinolone acetonide ([harness racing only](#)) – 100 pg/ml in serum or plasma.
  - 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain any of the following drug substances, or their

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metabolites, in a concentration less than the threshold level:

- 1) Isoxsuprine – shall be less than 1,000 ng/ml in urine.
  - 2) Pyrilamine – shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.
- i) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.
  - j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 603.210 Androgenic-Anabolic Steroids (AAS)**

- a) No AAS shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances nandrolone, boldenone and testosterone at concentrations less than the threshold levels indicated in subsection (b).
- b) Concentrations of these AAS shall be less than the following free (i.e., not conjugated) steroid concentrations in plasma or serum:
  - 1) Boldenone – shall be less than 25 pg/ml for all horses regardless of sex.
  - 2) Nandrolone – shall be less than 25 pg/ml for geldings, fillies and mares. Male horses other than geldings will not be tested.
  - 3) Testosterone – in fillies, mares, and geldings – shall be less than ~~100~~25 pg/ml.
- c) All other AAS are prohibited in racing horses.

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- d) The sex of the horse must be identified to the laboratory on all pre-race and post-race samples.
- e) If an anabolic steroid has been administered to a horse in order to assist in the recovery from illness or injury, the horse may be placed on the Veterinarian's List in order to monitor the concentration of the drug or metabolite in serum or plasma. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of February 11, 2020 through February 18, 2020. The rulemakings are scheduled for the March 18, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/26/20	<u>Liquor Control Commission</u> , The Illinois Liquor Control Act (11 Ill. Adm. Code 100)	10/4/19 43 Ill. Reg. 10763	3/18/20
3/28/20	<u>Revenue</u> , Parking Excise Tax (86 Ill. Adm. Code 195)	11/15/19 43 Ill. Reg. 13242	3/18/20
3/28/20	<u>Revenue</u> , County Motor Fuel Tax (86 Ill. Adm. Tax 695)	11/15/19 43 Ill. Reg. 13276	3/18/20

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 44, Issue 9 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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